



General Assembly

**Substitute Bill No. 1159**

January Session, 2005

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**AN ACT CONCERNING RATES FOR NURSING POOL SERVICES  
PROVIDED TO HEALTH CARE INSTITUTIONS AND CORRECTIONAL  
INSTITUTIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2005*) (a) For purposes of this  
2       section, "nursing pool" means any person, firm, corporation, limited  
3       liability company, partnership or association engaged for a fee in the  
4       business of employing and providing health care personnel on a  
5       temporary basis to one or more health care institutions, as defined in  
6       section 19a-490 of the general statutes, or a correctional institution, as  
7       defined in section 1-1 of the general statutes. "Nursing pool" does not  
8       include: (1) A licensed health care institution or subsidiary thereof  
9       which supplies temporary health care personnel to its own institution  
10      only and does not charge a fee to such institution; or (2) an individual  
11      who offers only his or her own personal services on a temporary basis.

12      (b) On and after July 1, 2005, no person acting individually or jointly  
13      with any other person shall establish, conduct, operate or maintain a  
14      nursing pool in this state without first obtaining a certificate of  
15      registration from the Commissioner of Consumer Protection.

16      (c) Any person seeking a certificate of registration as a nursing pool  
17      shall apply to the commissioner, in writing, on a form prescribed by  
18      the commissioner. The application shall include the applicant's name,

19 business address, business telephone number, contact person, a  
20 description of the controlling company or organization and such other  
21 information as the commissioner may require.

22 (d) Certificates of registration issued to a nursing pool shall not be  
23 transferable or assignable.

24 (e) Each application for a certificate of registration for a nursing pool  
25 shall be accompanied by a fee in an amount determined by the  
26 commissioner. Such registration fee shall be the lower of: (1) The pro  
27 rata actual collective cost to the Department of Consumer Protection of  
28 regulating such nursing pools, or (2) one thousand dollars. The  
29 amount of such registration fee shall be published on the department's  
30 Internet web site. All certificates of registration issued under this  
31 section shall expire annually. The fee for a renewal of a certificate shall  
32 be determined by the method prescribed in this subsection. Fees  
33 collected pursuant to the issuance of a certificate or renewal of a  
34 certificate shall, upon deposit in the General Fund, be credited to the  
35 Department of Consumer Protection for personal services.

36 (f) Upon the failure by a nursing pool to comply with the  
37 registration provisions of this section, the Attorney General, at the  
38 request of the Commissioner of Consumer Protection, is authorized to  
39 apply in the name of the state of Connecticut to the Superior Court for  
40 an order temporarily or permanently restraining and enjoining a  
41 nursing pool from continuing to do business in the state.

42 Sec. 2. (NEW) (*Effective July 1, 2005*) (a) Not later than October 1,  
43 2005, a nursing pool shall file with the Department of Consumer  
44 Protection the rates of such nursing pool for services provided by (1)  
45 registered nurses, licensed pursuant to chapter 378 of the general  
46 statutes, (2) licensed practical nurses, licensed pursuant to chapter 378  
47 of the general statutes, and (3) nurse's aides, registered pursuant to  
48 chapter 378a of the general statutes. The rates filed by such nursing  
49 pools shall reflect full compensation for services provided by a nursing  
50 pool, including any administrative or supervisory duties provided by

51 the nursing pool on behalf of a health care institution or correctional  
52 institution.

53 (b) Rates filed by such nursing pool shall not be excessive or  
54 inadequate, as provided in this subsection, nor shall they be unfairly  
55 discriminatory. No rate shall be held to be excessive unless (1) such  
56 rate is unreasonably high when compared to the cost incurred by the  
57 nursing pool to provide such service, or (2) a reasonable degree of  
58 competition does not exist in the area with respect to the service to  
59 which such rate is applicable. No rate shall be held inadequate unless  
60 (A) it is unreasonably low for the service provided, and (B) continued  
61 use of such rate would endanger solvency of the nursing pool, or (C)  
62 unless such rate is unreasonably low for the service provided and the  
63 use of such rate by the nursing pool has, or, if continued, will have the  
64 effect of destroying competition or creating a monopoly.

65 (c) A nursing pool, upon filing rates or proposed rates with the  
66 department pursuant to subsections (a) and (e) of this section, shall  
67 certify to the department that it has provided contemporaneous  
68 written notice of the rates filed with the department, to all customers  
69 of such nursing pool. The written notice provided by the nursing pool  
70 to all customers shall include: (1) A summary of the rates filed with the  
71 department, and (2) contact information that will allow customers of  
72 the nursing pool to ascertain the date, time and place of the hearing on  
73 rates or proposed rates filed with the department.

74 (d) The department shall review the rates filed by nursing pools  
75 pursuant to subsection (a) of this section and shall schedule a public  
76 hearing on such rates not later than sixty days after the date of receipt  
77 of such rates. Not less than fourteen days prior to the date of a  
78 scheduled public hearing on such rates, the department shall provide  
79 notice of such hearing to the nursing pool by certified mail and to the  
80 public by publication on the department's Internet web site. Rates filed  
81 by the nursing pool pursuant to subsection (a) of this section shall be  
82 effective pending review by the department. The department shall  
83 approve, deny or modify the rates filed by a nursing pool pursuant to

84 subsection (a) of this section, not later than thirty days after the date of  
85 the public hearing.

86 (e) A nursing pool that seeks to change rates approved by the  
87 department in accordance with the provisions of this section, shall file  
88 a request for such proposed change with the department not less than  
89 sixty days prior to the proposed effective date of such change.  
90 Proposed rate changes shall not be effective until approved by the  
91 department. The department shall schedule a public hearing on such  
92 proposed rate changes not later than forty-five days after the date of  
93 receipt of such rates. Not less than fourteen days prior to the date of a  
94 scheduled public hearing on such proposed rates, the department shall  
95 provide notice of such hearing to the nursing pool by certified mail  
96 and to the public by publication on the department's Internet web site.  
97 The department shall approve or deny the proposed rates filed by a  
98 nursing pool pursuant to this subsection not later than thirty days after  
99 the date of the public hearing.

100 (f) The Commissioner of Consumer Protection may adopt  
101 regulations, in accordance with chapter 54 of the general statutes, to  
102 establish policies and procedures utilized in making determinations on  
103 rates submitted to the department in accordance with the provisions of  
104 this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	New section

**AGE**

*Joint Favorable Subst. C/R*

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